REMARKS

Claims 1, 9 and 17 are currently amended. Claims 1-24 are pending in this Application.

In the Final Office Action mailed August 24, 2006, the rejections of claims 1-24 pending in the present application have been maintained by the Examiner. Applicants respectfully note that the Examiner's rejection of the claims under *Draves* (U.S. Patent No. 5,802,590), either alone or in combination with other references, was reversed by the Board. *See* Board Decision, p.16. As such, the Examiner's rejections from the Final Office Action with respect to *Draves* are not addressed herein, but Applicants incorporate previous arguments with respect to *Draves* by reference herein. Applicants also respectfully note that the Board affirmed the Examiner's rejection of the claims under *Kamiya* (U.S. Patent No. 4,949,238), however, the Board agreed with Applicants that *Krueger* (U.S. Patent No. 4,962,533) does not concern classification of instructions to be executed on a processor, only classification of data. *See* Board Decision, p.10. As such, Applicants respectfully assert that the Examiner's combination of *Kamiya* and *Krueger*, as maintained in the Final Office Action, is not proper and should be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

In the Final Office Action, claims 1-3, 7-11, 15-19 and 23-24 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Kamiya*. The Examiner's rejections are respectfully traversed.

For ease of illustration, amended claim 1, directed to a method, is discussed first. Claim 1 recites associating a first security identification (ID) with each of a plurality of instructions or a set of instructions that are to be executed by a processor. Claim 1 further recites requesting to execute at least one of the plurality of instructions or set of instructions by a software code running on the processor and obtaining a second security ID associated with the software code

running on the processor. Claim 1 (as amended) further recites comparing the second security ID with the first security ID and executing the requested instruction or set of instructions based directly upon a determination that the second security ID matches the first security ID.

The Examiner's rejection is incorrect at least because *Kamiya* does not teach at least one of the claimed features. For example, claim 1 recites executing the requested instruction or set of instructions based directly upon a determination <u>that the second security ID matches the first security ID</u>. In the Final Office Action, the Examiner argued that *Kamiya* teaches this claimed feature because *Kamiya* discloses that memory protection information may be "determined to be true." *See* Final Office Action, p.13. Applicants respectfully disagree. In the Final Office Action, the Examiner argued that *Kamiya* teaches a first security ID (true/false mask 122, according to the Examiner) and a second security ID (current privilege level (CPL) register value 17, according to the Examiner). *See* Final Office Action, p.13. *Kamiya* teaches that the output of the memory protection violation detector 15 is indicative of the correctness of stored protective information. *See Kamiya*, col. 3, ll. 35-42. However, a close reading of *Kamiya* in combination with Figure 5 shows that a match is not determined between the true/false mask 122 and the CPL 17 value, as alleged by the Examiner. In fact, the only match or comparison performed by *Kamiya* is between the CPL 17 value and the descriptor privilege level (DPL) of the attribute information register (AIR) 16. *See Kamiya*, Figure 5. This is in direct contradiction to the Examiner's position that the true/false mask 122 is matched up to the CPL 17 value. Indeed, the true/false mask 122 is taken bit-by-bit and put through a combinatorial logic sequence consisting of an "AND" gate followed by an "OR" gate, but the true/false mask 122 is **not** *matched* with the CPL 17 value, as alleged by the Examiner. As such, *Kamiya* does not, and

cannot, teach the claimed feature of executing the requested instruction or set of instructions based directly upon determining that the second security ID matches the first security ID.

The Examiner's position is problematic for other reasons as well. For example, amended claim 1 recites executing the requested instruction or set of instructions based directly upon a determination that the second security ID matches the first security ID. As previously noted, it is the Examiner's position that *Kamiya* teaches a first security ID (true/false mask 122, according to the Examiner) and a second security ID (current privilege level (CPL) register 17 value, according to the Examiner). *See* Final Office Action, p.13. Under the Examiner's position, the requested instruction, of amended claim 1, would be executed based directly upon the comparison of the true/false mask 122 and the CPL 17 value. A review of *Kamiya*, Figs. 1-3 and 5, however, shows otherwise. As argued above, *Kamiya* teaches that the true/false mask 122 is actually used as an input to a combinatorial logic sequence and is not compared. As such, no comparison of the true/false mask 122 and the CPL 17 value is performed. Even assuming, *arguendo*, that the true/false mask 122 and the CPL 17 are compared (as argued by the Examiner), any such comparison cannot be the direct basis for determining that the second security ID matches the first security ID at least because the "OR" gate 154 intervenes in the path from any "AND" gate 153 to the output of memory protection violation detector 15. In other words, because additional logic must act upon any such "match," as alleged by the Examiner, executing the requested instruction or set of instructions cannot be based directly upon a determination that the first security ID (true/false mask 122, according to the Examiner) and the second security ID (CPL 17 value, according to the Examiner), as required in claim 1.

For at least these reasons, claim 1 is allowable. For at least similar reasons, the remaining claims are also allowable.

Other claims are also allowable for additional features recited therein. For example, claim 2 recites the method of claim 1, further comprising denying the execution of the requested instruction or set of instructions providing that the first and second security IDs mismatch. Applicants respectfully note that the Examiner did not address this claim in the Final Office Action, nor in the previous non-final Office Action. Applicants respectfully request this claim be allowed as the Examiner has offered no basis upon which to reject this claim. To the extent the Examiner rejects this claim based upon a cited reference, Applicants respectfully request the Examiner to make this reference known and provide Applicants arguments to which Applicants may respond. For at least these reasons, claim 2 is allowable; for at least similar reasons, claims 3, 7-8, 10-11, 15-16, 18-19 and 23-24 are also allowable.

Rejections Under 35 U.S.C. § 103(a)

In the Final Office Action, claims 4-6, 12-14 and 20-22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Kamiya* in view of *Krueger*. The Examiner's rejections are respectfully traversed.

Applicants also respectfully note that the Board affirmed the Examiner's rejection of the claims under *Kamiya* (U.S. Patent No. 4,949,238), however, the Board agreed with Applicants that *Krueger* (U.S. Patent No. 4,962,533) does not concern classification of instructions to be executed on a processor, only classification of data. *See* Board Decision, p.10. As such, Applicants respectfully assert that the Examiner's combination of *Kamiya* and *Krueger*, as maintained in the Final Office Action, is not proper and should be withdrawn. For at least these reasons, claims 4-6, 12-14 and 20-22 are allowable.

To the extent the Examiner deems certain subject matter within the Specification to be novel, **the Examiner is respectfully requested to contact the undersigned attorney** to discuss such subject matter at the Examiner's convenience.

If for any reason the Examiner finds the application other than in condition for allowance, **the Examiner is requested to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069 to discuss any steps necessary for placing the application in condition for allowance.

Reconsideration of the present application is respectfully requested. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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